

REMARKS

Summary of the Office Action

Claim 1 was objected to for various informalities.

Claims 8-12 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 5 and 6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 3, 5-12, 15-18, 21-24, 27-29, 28-41 were rejected under 35 U.S.C. 102(e) as being anticipated by Published US Patent Application 2005/0028208 ("Ellis").

Claims 30-35, 37 were rejected under 35 U.S.C. 102(e) as being anticipated by Published US Patent Application 2004/0045039 ("Harrison").

Claims 25 and 26 were rejected under 35 U.S.C. 103(a) as being obvious over Ellis in view of Harrison.

Summary of the Response

Claim 7, 15-18, and 38-40 have been amended.

Claims 23 and 24 are previously presented.

Claims 41-48 are new.

Claims 1-6, 8-14, 19-22, 25-29, and 33-37 are cancelled.

Substantive Remarks

Applicant submits that the pending claims are allowable over the art on record, for reasons stated.

Claim 7 has been amended to recite that a network enabled palmtop computer with universal or (quasi-universal) functionality and remote control capabilities. In particular, the palmtop computer of Claim 7 is capable of communicating commands for

any of a plurality of devices, including devices that are not audio/visual devices. The command is communicated over a network, and not through a point-to-point connection. The palmtop computer also has alternative functionality that includes email retrieval and network browsing. The palmtop computer also is capable of receiving a multimedia transmission from the receiver. The result is a multi-functional network enabled device that can use, for example, an Internet connection to control numerous devices (e.g. household devices) and receive audio-video content from the receiver. Applicant submits such multi-functional capabilities, as well as ability to communicate with multiple devices over a network (including non-audio-video devices), is not suggested or taught in Ellis or the cited references. Support for the amendment may be found in the Specification, on, for example, para. 20.

Claim 15 has been amended to recite a method by which a broadcast of interactive television may be received, and along with input from a palmtop computer that corresponds to the user "responding to one or more audio-video events that depict one or more corresponding actions during the audio and video content of the broadcast." The combination of the claimed elements, which include the ability of the user to utilize a palmtop computer to respond to events that depict actions in the audio/video content, is not taught in the cited references. Applicant notes that *events that depict actions* should exclude program data, icons or text that may be displayed with programming.

Among other differences over the cited art, Claim 30 recites "receiving an interactive multimedia signal" and "receiving, from a network, input corresponding to a user manipulating a palmtop computer....to respond to one or more events that are depicted as actions in the audio and video of the content."

Claim 32 recites a step of enabling input from the user operating the palmtop computer to be communicated to other participants who are also receiving the multimedia signal. The user is capable of responding to one or more audio-video events in the content using the palmtop computer. Support for this amendment can be found in para. 20 and 21 of the Specification.

Claim 38 recites the use of a palmtop computer that enables a user to enter one or more inputs in response to audio-video events, and to communicate the inputs to other participants. Support for this amendment can be found in para. 20 and 21 of the Specification.

Claim 46 recites the use of multiple palmtop computers and participants, similar to Claim 38. And Claim 48 recites a receiver that is capable of providing television programming, including its audio-video content to a palmtop computer, along with enabling the palmtop computer to access locally stored media.

Applicant requests reconsideration of this rejection in view of amendments and comments presented above. Claims that are not expressly mentioned in these remarks are dependent on one of the independent claims mentioned, and are, as such, allowable over the references on record.

CONCLUSION

A Notice of Allowance is requested, based on the remarks and amendments provided with this paper. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to call Applicant's attorney at (408) 551-6632.

If there are any additional charges, please charge them to Deposit Account No. 50-1914. No new matter is being provided with this amendment.

Respectfully submitted,

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